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(b) In the talks with Foreign Minister Gromyko last fall, and subsequently, there has been mention of so-called broader questions. We had noted that, in regard to these, there seemed to be no real difficulty in coming to some sort of agreement and that they would fall into place if the central question of Berlin could be resolved. We did not find, however, any corresponding effort on the part of Moscow to take account of our vital interests. We have noted, for example, recent statements made in East Germany that agreement had been reached on a number of points such as nuclear non-diffusion, boundaries, and a non-aggression agreement between the NATO and Warsaw Pact countries as if these were assured points to be stored away in the refrigerator. At the same time the Soviet Union's insistence on its original position with respect to West Berlin seems to be maintained.

The Secretary said he wanted to emphasize here that President Kennedy at Vienna had made completely clear that our commitments to West Berlin must be maintained. We could not accept the effects which a failure to do so would have on ourselves and the rest of the free world. A diminution of our position was not tolerable while, at the same time, the Soviets were consolidating their position in Germany. At Vienna, President Kennedy spelled out in considerable detail the relationship between West Berlin and US vital interests. He said that he had gained the impression that the USSR was presenting him with the alternatives either of accepting the Soviet position on Berlin or having a face-to-face confrontation. This led him to remark at one point that it appeared we were going to have a very cold winter, because a diminution of our position in West Berlin was simply not acceptable.

The Secretary noted that the Soviet Union had advanced various formulas as a substitute for the Western troop presence:

- a. Having symbolic forces of the USSR, France, the UK and the US in West Berlin as guarantors of the so-called free city;
- b. Having neutral troop contingents in West Berlin under UN aegis for a period of three to five years; and
- c. Having symbolic forces in West Berlin of other smaller NATO and Warsaw Pact countries for a period of three to five years.

These were simply variations of proposals that would eliminate the US in West Berlin, or reduce our position, and thus have the effect which President Kennedy had mentioned at Vienna.

We believe

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We believe that both sides, the Secretary continued, have a serious rational interest in avoiding a head-on conflict over Berlin. It would be dangerous for the two sides to come to the table, with one thinking that under no circumstances would the other fight over Berlin. This might lead to the one side's passing beyond the limits of toleration. It was, of course, true that war was irrational, but other things were also irrational, such as failing to meet our elementary commitments. We were thus trying to talk out with the Soviet Government how this situation could be handled. On the basis of what had been said so far, it did not seem likely that any agreement could be reached on a permanent settlement of the German question. We believed that any settlement which did not rest on the basic attitudes and wishes of the German people was unlikely to be permanent. There were grave disadvantages in trying to make a lasting arrangement which would merely stimulate the worst aspects of German nationalism and unsettle central Europe. We have not pressed for such a permanent settlement because we saw no real prospect of agreement, given the Soviet position. If we were wrong in this judgment, we would be willing to look again.

It would also be possible, the Secretary went on, to proceed on the basis of the factual situation, provided that all facts of the situation are taken into account, not only those facts which satisfy the Soviets. Two facts are: that Germany is not united and that the West is in West Berlin. We see no reason why the situation could not be stabilized on the basis of these facts pending an eventual permanent settlement. There is nothing more abnormal in the Western presence in West Berlin than in any other aspect of the German situation. We would regret it if the geographic situation of West Berlin created any illusions. We are there and have a basic right to be there. We have not been able to put much content into the Soviet demand that our position in West Berlin be reduced or eliminated. It is not realistic to talk about West Berlin as a military base. The Soviet military would not pretend this to be true, surrounded as West Berlin is by many Soviet divisions. Our troops are there for the political purpose of underlining and demonstrating our commitment to the city. They are in no position to take aggressive action against anyone. We have heard the phrase frequently repeated by the Soviets that it is necessary to draw a line under World War II. If, in translation, this means the time had come to remove the West from West Berlin, this is something we could not accept. The time has not come for that. We do not know what else is involved in the expression. If we are unable to agree on a permanent settlement, and apparently so far on the factual situation, what is to be done? We have said that we are willing to proceed on the basis of existing facts, the Secretary pointed out, and also to take account of a number of other matters in which the Soviets and we have expressed some

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interest but which are not directly connected with Berlin. However, in our dealings with our Allies and our own people, we are unable to point to practically anything indicating that Moscow has made any effort to take our vital interests into account. We require a greater degree of reciprocity in these conversations. We cannot accept as a concession a mere reformulation of demands which amounts to the same thing, that is the reduction or elimination of the U.S. position in West Berlin. President Kennedy has more than once said that it is not compatible with the relationship between great powers for one to say that "What is mine is mine, and what is yours is negotiable." We consider, therefore, that there must be a greater degree of recognition that U.S. vital interests are involved in Berlin.

The Ambassador would recall, the Secretary continued, that in an earlier meeting between them as well as at Geneva, we had suggested a framework within which we thought these discussions might profitably proceed. We had reduced this to a paper which might be called a modus vivendi, although the title was of secondary importance. We thought that this provided a way of handling how our disputes with the Soviets might be resolved. We had tried to avoid having either side subscribe to points which were publicly known to be contrary to the positions of either side. We have said that we cannot recognize the GDR. When Ambassador Thompson said this to Foreign Minister Gromyko, the latter responded that we already did recognize the GDR. It was true that we were prepared to act on the basis that the GDR is there. We do not pretend it does not exist, nor do our Allies. The GDR has trade offices in eleven Western countries and there are substantial trade relations between West and East Germany. We have tried to leave out of our paper points the acceptance of which would require either side to change its basic position. Chairman Khrushchev had said to Mr. Salinger that the Soviets would not recognize any right of the West to maintain troops in West Berlin. In our modus vivendi paper we did not ask that this be recognized, since this did not require recognition by the Soviets. We are there and not by any right granted by the Soviets, but for reasons which are well understood. Our modus vivendi paper was silent on this point. The paper left open the way, if the Soviets felt it to be necessary in the light of their public commitments to sign some agreement with the East Germans, for them to do so. It was not the signing of such an agreement which was of concern to us, but rather the practical consequences which it purported to have on our position in West Berlin. There was no way by which one-sided arrangements between Moscow and Pankow could affect our rights and positions in West Berlin, but the practical consequences of such an arrangement were important to us. We had supposed that, in a modus vivendi, certain points of agreement might be registered and others put into a process of discussion which would open the way to their solution by peaceful means. This might take some time, but time

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was less dangerous and expensive than haste if the latter were to involve a direct confrontation of the kind threatened over Berlin. We did not attach great importance to the precise wording of such a modus vivendi. There seemed to have been some confusion at Geneva as to precisely what we had in mind with our paper. Gromyko had handed us a working paper embodying the standard Soviet positions. This was not a paper designed to deal with the question of how we handled disagreement, but was a record of the elements which were disagreed and embodied in the Soviet position. Our paper was intended for another purpose: how to manage disagreement. It did not mention such matters as the Western occupation status or an all-Berlin solution, which would have been included in any full exposition of the Western point of view.

We consider, therefore, the Secretary went on, that our two Governments should think carefully about how they should deal with these matters and in which direction the discussions could be moved forward. We did not ask for a piece of paper recognizing our position in West Berlin. We are there. It ought to be possible to discuss and clarify some arrangements on access. The Secretary noted that he had said before that there was no inherent contradiction between free access and the authority of the East Germans in carrying out their responsibilities. This did not appear to be an insuperable problem.

The Secretary said he thought there might be an advantage in trying to find even some small point on which an advance could be made. This might be to devise some means to reduce the sense of tension existing in Berlin, which registered itself on both sides of the wall. Families were divided and could not visit each other and the flow of normal trade was made more difficult. Operation of the normal facilities of the city could best be worked out by arrangements between those responsible for the two sides of Berlin. We were interested in the possibility of increasing the well-being of the people of Berlin by facilitating their ability to work, to visit with each other, and to enjoy the cultural opportunities on both sides of the city. We could understand that the free flow of refugees that had previously taken place created great problems for the Soviets and the East Germans. It had never been our policy or that of the Federal Republic to stimulate this. When the refugees arrived in West Berlin we did what we could for them, consistent with our traditions. We did not consider it in our interest to have the flow proceed on the scale on which it proceeded. Without getting into the question of this kind of movement, we would like to see an improvement in the interchange between West and East Berlin. The Secretary then suggested a formula for the execution of an all-Berlin technical commission contained in the attachment to this memorandum of conversation, a copy of which he gave to Dobrynin at a slightly later point in the conversation.

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The Secretary

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The Secretary said he would like to add some comments on one or two other problems affecting the general situation. We did not fully understand why there seems to have been a tightening up of the situation. From our point of view, this seems to have been coming from the East, not from the attitudes or hopes of the West in these matters. Organically, there was no connection between Berlin and disarmament negotiations, but in the broadest political sense it was inevitable that these matters should influence each other. A crisis over Berlin would obviously have the gravest implications for disarmament. If there were movement on the one, there could be movement on the other in the sense that there would be mutual reinforcement for the effort to bring about normalization and reduction of tensions.

(See Separate Memoranda of Conversation dealing with subjects of disarmament and Laos for coverage of discussion at this point.)

Resuming the general discussion, the Secretary stated that there was need to give serious thought to the broadest direction of our respective policies. In a period where Chairman Khrushchev and President Kennedy would have responsibilities for the policies of their two countries, they would have a chance to decide matters of the greatest importance. These would involve whether the two great social systems represented would be able to work out their long-range relationships leading to a normal relationship between states. On ideological grounds this did not appear easy, but on practical grounds and in terms of the interests of the two and of the countries associated with them the problem did not appear to be insuperable. However, the Eastern side must recognize and take account of what the other side considers its vital interests, and not merely of what it thought the vital interests of the other side ought to be. The possibilities ahead for a more normal relationship were very great, just as the tensions and dangers of an opposite course of action would be very great. If the latter development ensued, it would be cold comfort to know that so much history depended on these two countries.

On the subject of Berlin, the Secretary noted we had made an immediate suggestion regarding an establishment of an all-Berlin technical commission. We also hoped that the Soviet Government would try to review its position carefully in an effort to find a basis on which these questions could be taken up with better reciprocity. It was not a good situation to have the President report to the U.S. people and our allied leaders report to their people, that, despite the building of the wall, the absorption of East Berlin and the discussion of certain other broad points on which agreement might possibly be found, on matters of direct major concern to us, there was nothing to show that Moscow was interested in moving towards a settlement. We also hoped, the Secretary added, that the Soviets would give further attention to our modus vivendi paper flooding at it as a possible means of handling the situation of disagreement.

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Ambassador

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Ambassador Dobrynin asked whether the formula which the Secretary had handed him on the all-Berlin technical commission was intended as a response to the paper given the Secretary by Gromyko at Geneva. The Secretary said our modus vivendi paper, given to Gromyko at Geneva, was intended as our effort to deal with the general situation as we saw it, which we did not feel, for reasons already indicated, his principles paper adequately did. Dobrynin said that what the Secretary had mentioned today had already been discussed with Gromyko and contained nothing essentially new. His understanding had been that there would be a reply to the Gromyko paper on certain points. His impression had been that now was the time to obtain this reply. Or did the Secretary not feel free to discuss the Gromyko paper, but instead wished to make different points? The Secretary observed that he had not supposed from the Geneva discussions that Gromyko expected a written reply to his paper. Dobrynin said it was not a question of a written reply, but of a reply. The Secretary commented that, from his talks with him, Gromyko could identify those points which created the main difficulties between us. If he wanted comments in an informal working paper on his informal working paper, this could be considered. Dobrynin said that Gromyko had proposed a point-by-point discussion of his paper, but now the Secretary was suggesting a different approach. The Secretary pointed out that the purposes of the two papers had been different. Recalling the content of Mr. Gromyko's paper at Geneva, he did not believe we could carry any discussion very far without a greater element of reciprocity on the part of the Soviets. He did not see enough readiness to take account of our vital interests to promise that any discussion of the Gromyko paper would be profitable. Our paper was intended to advance the process of discussion.

The Secretary said he had been interested in one formulation of Chairman Khrushchev to Mr. Salinger. He had said that the Soviets could not recognize the right of the Western powers to maintain troops in West Berlin. If this were analogous to our statement that we could not recognize the GDR, that was one thing. In the context of the other remarks made by Chairman Khrushchev, we assumed that there was no significance to this formulation, but if there were, we would be glad to know about it. That would open up further possibilities.

With respect to the German question as a whole, Dobrynin stated, there were certain positive facts. The Soviets did attach some importance to the fact that exchanges on these matters were now going on. A peace settlement and a Berlin settlement were of great importance to the Soviet Union, which had fought together with the Western powers against Germany and had suffered much. The Soviet Union now wanted to draw a line under World War II. It

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was not trying to gain anything from the United States. What was desired was a recognition of the situation existing in Germany, that is the existence of two German states. During the War the U.S. and the Soviet Union had been allies, and had had the same aim of eliminating the Hitlerite aggressive forces. But now, the troops of the two countries have different aims. They were not allies any more. U.S. troops were in West Berlin not just as occupation troops, but as NATO troops. He was not speaking of the number of such troops, but of the fact that they were still there to fight the Soviets and against Soviet interests. It was, therefore, better to lessen tensions and to settle this matter so that relations between the Soviet Union and the U.S. could be improved. Clearly, the Soviet Union wanted to have good relations with the United States, but certain circles in West Germany wanted the two countries to clash. Otherwise, their "Great German" schemes could not be carried out. The Soviet Union was not interested in such a clash. In response to the Secretary's query as to who precisely in West Germany wanted such a clash, Dobrynin said that many people demanded the restoration of the German borders as before, and he was sure the Secretary knew who they were as well as he did. Such a restoration could not be obtained without U.S. assistance; hence they wanted a clash between the Soviet Union and the U.S. A settlement of the situation in West Berlin would be good for both countries. If this could not be obtained, then we might come to the point where we would be confronted by a great test. The Soviet Union was trying to avoid this and to seek a solution. If one were to take the substance of the Secretary's statement, Dobrynin continued, and what is being discussed in the West German press, what the Western powers were trying to do was to find a settlement of the German and West Berlin problem within the framework of the old occupation situation, and without taking account of the new situation in the world and in Europe. The Secretary asked what he meant by the "new situation." Dobrynin responded the war has been over for more than 17 years, and we could not live forever in a state of war. It was necessary to draw a line under World War II in a legal sense. The Soviet Union wanted to legalize the situation of peace. Whether one liked it or not, there were two Germanies. The Secretary commented that when we talk of the fact of the two Germanies, we also must say that our presence in West Berlin and free access thereto are facts.

Dobrynin said that the general line of the Western approach was very clear; it was an open secret which could be read in the papers. The substance of the West German proposals as they had appeared in the press had the intention of spreading the occupation rights existing in West Berlin to the communications between West Berlin and the outside world. They wanted to continue four-power responsibility, but what responsibility did the four-powers have? Ninety-five per cent of all traffic to West Berlin was the responsibility of the GDR. Five per cent was controlled by the Soviets

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under agreement with the East Germans. When the peace treaty was signed the Soviet Union would give that five per cent back to the East Germans. It could not be said that even now there was any four-power responsibility for access. The Secretary said he could not accept such a formulation. Dobrynin observed that the Secretary had spoken of facts. It was a fact that ninety-five per cent of all traffic to West Berlin was now the responsibility of the GDR. The Soviets had felt that it was a good idea, after the Geneva discussions, for him (Dobrynin) and the Secretary to proceed with the positive points which had been discussed with Gromyko, but now three or four meetings had taken place in Washington and "we had not made a single move." The Secretary commented that he was glad that Dobrynin had said "we."

Dobrynin stated that in the respective positions of the two countries there were certain things in common which could be settled without too much difficulty. However, as Chairman Khrushchev had said to Mr. Salinger, and Gromyko and he to the Secretary, all these questions could be easily solved, but only if there were a settlement of the main question--liquidation of the occupation regime in West Berlin. He referred to the fact that the Secretary had many times raised the question of guarantees of access. The Soviets had accepted the idea of an arbitration body or board. This had been a move on their part, after the President had first raised the subject of an access authority with Adzhubei. The Soviets were ready to discuss this but they could only accept the idea if there were agreement on the main point--ending the occupation regime in West Berlin. When speaking of an access authority, the Soviets had always made it clear this was not a control organ over access, for the access routes go through the sovereign territory of the GDR, which has the only real right to exercise the right of a sovereign state within its sovereign territory. It was difficult to expect that the GDR and the Soviets would agree to give rights which already belong to the GDR to an international body. When the peace treaty was signed, the GDR would have all its sovereign rights over access. The Soviet Government was not prepared to discuss suggestions aimed at strengthening the remnants of the occupation regime instead of its liquidation. Dobrynin noted that the so-called West German proposals had not been discussed, but as these had appeared in the press, they were completely unacceptable to the Soviet Union which was unwilling to consider anything aimed at strengthening the occupation regime. The Soviet Union still hoped that an agreement could be reached on West Berlin and a German peace settlement. It felt that there was a possibility of ending the occupation regime without inflicting moral damage on the U.S. or Soviet Governments. They could declare to their people that they had come to an agreement directed at achieving closer relations between both countries. He, therefore, had to say that while there was some glimmering of hope for an agreement, his Government could not accept the maintenance of occupation rights

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in West Berlin, and his Government could not agree on a settlement without a settlement of this question. As Chairman Khrushchev had said, this was the test of relations and if agreement were not reached, then a serious situation would result. "The key was in your hands."

Reviewing his notes, Dobrynin observed that the Secretary had today merely repeated once more what he had said to Gromyko. The Secretary said that he had suggested that the Soviet Foreign Minister come back to our Geneva suggestion and take a new look at this method of handling the problem. Paging through his notes, Dobrynin observed that the Secretary had mentioned U.S. relations with its Allies. The Soviet Union did not try to influence these relations and at their last meeting on April 27 the Secretary had said he was going to Athens to exchange views with his Allies. Did the Secretary's remarks reflect this exchange of views? The Secretary responded that there was no problem at the moment of any importance between the Allies affecting this discussion. The central problem is what Dobrynin had called the central problem.

Changing the subject again, Dobrynin said that, with reference to GDR recognition, the Soviet Union did not ask formal recognition, but recognition of the sovereignty of the GDR and that it must enjoy all sovereign powers within the limits of international law. The Soviet Union would like to sign a peace treaty after reaching an agreement with the Western powers and then put this agreement into the peace treaty.

As to the all-Berlin technical commission, Dobrynin continued, this was not a main issue between the Soviet Union and the U.S. This was a matter for the Germans to discuss among themselves. It was their business. If they wanted something of this sort, the Soviet Union would be prepared to help. It was not its job. As far as the wall was concerned, he added, the Soviet Union had no authority to discuss this matter on behalf of the GDR Government and it was not a proper subject for discussion with the Secretary.

Dobrynin stated that his Government likewise felt the seriousness of developments in other areas. The Secretary was aware of how the disarmament situation stood. The two countries agreed on one thing, namely that the security of both countries had to be respected. The basic concept was that when the first stage of disarmament had been completed, there would be no relationship of advantage or disadvantage and both sides would have the same amount of security. He could agree that there was no direct connection between disarmament and the Berlin problem, but that they were related. The settlement of the Berlin question would obviously have an effect on disarmament, since distrust between the two countries was an important element in the situation. If the Secretary wished to discuss any matters arising out of the Zorin-Dean talks, or if the Secretary had any concrete proposals how these matters could be handled better, he would be prepared to engage in such discussions.

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Again referring to his notes, Dobrynin referred to the Secretary's remarks on co-existence and said that it was the Soviet Union's view that the two countries should really co-exist. In the ideological sphere this was more difficult, but in the factual sphere the Soviets felt that peaceful co-existence was both possible and required. There were no insuperable problems between the two.

The Secretary said he wanted to comment on a few points made by Dobrynin. The latter had referred to our troops in West Berlin as being there to fight the Soviets. They were not there to fight anyone if West Berlin were left alone. They were there to insure the safety of West Berlin. On the question of rights, he continued, neither in terms of international law nor the specific post-war arrangements was there any way by which the Soviet Union could create a situation in East Germany which modified our rights in West Berlin. If we differed on this, we wanted the Soviets to be clear on how we saw the situation. On the other hand, there was no need for practical interference with the authorities in East Germany in the maintenance of free access. This was something that could be resolved, but we did not want to leave the impression that we think East German sovereignty can in any way take over our rights in West Berlin.

On the central question, the Secretary continued, Dobrynin had said the key was in our hands. This was an expression of the lack of reciprocity which is at the heart of the problem. Far-reaching proposals for change have come from the Soviet side. It is not we who have developed the sense of crisis over West Berlin. We cannot accept the proposition that the Soviet Union should make such proposals and then claim that the key is in our hands in the sense that we must accept them. One cannot deal with the United States in that way. The key is in Soviet hands in that it has made the proposals. We are willing to try to find a common key. We require some reciprocal recognition that our vital interests are involved. In that sense the key is in the Soviet hands.

As to the technical commission in Berlin, the Secretary added, our thoughts were that anything that reduces tension between Germans in Berlin would be beneficial to us, since such a reduction of tension would be transmitted to us. Dobrynin said the two sides could not deal with this matter in the fashion suggested in the paper handed him. The Secretary said this was just a suggested formulation. Dobrynin said it was up to the Germans and not to us. The Secretary asked whether he did not think it was a matter where we could not exercise a certain influence. Dobrynin merely repeated that it was the Germans' job, not ours. Mr. Kohler noted that he had read that the wall had represented a decision of the Warsaw Pact powers.

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Dobrynin

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Dobrynin said that, if the Secretary preferred to use the term "common key", the Soviets were prepared to accept this. He did not understand the Secretary's remarks, however, about GDR sovereignty. The Secretary said he had been referring to an article in an East German paper that we had already recognized the sovereignty of East Germany. Dobrynin commented that the U.S. may be overly sensitive on this. The Soviets understood this, but what they wanted was that the sovereign right of the GDR in its own territory be recognized. The Secretary noted that he had said the Soviets could not give East Germany something which the Soviets did not have. Dobrynin injected that, with the peace treaty, the GDR would enjoy full sovereignty. The Secretary said "Not without our consent." Dobrynin responded "This is where we differ."

Dobrynin said he had noted that the Secretary was planning another trip to Europe. The Secretary said he might make such a trip, but only for a few days. At Athens he had not had time to discuss many problems of interest to the West other than Berlin and Germany, and he wanted to deal with these, such as the common market. Dobrynin said he thought this was mainly Undersecretary Ball's subject.

A the conversation terminated, it was agreed that Dobrynin would report back to Moscow and when he received new instructions would request a further meeting with the Secretary.

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ATTACHMENT TO

MEMORANDUM OF CONVERSATION

() DOCUMENTS TO CCR () G, OADR May 30, SUBJECT: Berlin

The two sides declare that they will seek the agreement of the authorities in West and East Berlin to establish an all-Berlin technical commission to be composed of officials appointed by the authorities in West and East Berlin to deal with such matters as the facilitation of the movement of persons, transport, and goods between West and East Berlin, and the regulation of public utilities and sewage.

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